

**Minutes**  
**Otay Ranch POM Policy Committee Meeting**  
County Administration Center, Tower 7  
1600 Pacific Highway  
San Diego, CA 92101

April 30, 2008  
2:00 - 5:00 pm

**Approved by the POM Policy Committee on 07/17/08.**  
**Motion to approve by Chairman Greg Cox.**  
**Motion seconded by Deputy Mayor Jerry Rindone.**  
**Motion Carried 2/0.**

**ATTENDEES:**

**City of Chula Vista**

Jerry Rindone, Deputy Mayor  
Scott Tulloch, Assistant City Manager  
Marisa Lundstedt, Principal Planner  
Josie McNeeley, Associate Planner  
Glen Laube, Senior Planner  
Tessa Quicho, Administrative Analyst  
Amy Partosan, Administrative Analyst  
Boushra Salem, Senior Civil Engineer  
Jack Griffen, Director of General Services

**County of San Diego**

Chairman Greg Cox, 1<sup>st</sup> District Supervisor  
Michael De La Rosa, District 1, Policy Advisor  
Mark Mead, County Counsel  
Renée Bahl, Director, Department of Parks and Recreation (DPR)  
Maeve Hanley, Group Program Manager, DPR  
Cheryl Goddard, Land Use Environmental Planner, DPR  
Larry Duke, District Park Manager, DPR  
Tom Oberbauer, Chief, Department of Planning and Land Use (DPLU)  
LeAnn Carmichael, Planning Manager, DPLU

**Public**

Kathleen Brubaker, U.S. Fish and Wildlife Service (USFWS)  
Cara McGary, USFWS  
Curt Noland, Otay Land Company  
Bob Penner, Otay Land Company  
Ranie Hunter, Otay Ranch Company  
Jim Carter, Environmental Land Solutions

**ATTACHMENT A – Meeting Sign-in Sheet**

*Agenda Item Numbers noted in parentheses*

**1. Call to Order**

**(I.)** Meeting called to order at 2:10 p.m. by County of San Diego/CHAIRMAN COX

**2. Approval of Policy Committee Meeting Minutes of January 28, 2008**

**(II.)** City of Chula Vista/DEPUTY MAYOR RINDONE motioned to approve the meeting minutes. Motion seconded by CHAIRMAN COX. Motion carried.

**3. Public Comment on items not related to Agenda**

**(III.)** CHAIRMAN COX invited the public to comment on items not related to the Agenda.

RANIE HUNTER stated she received an email from the County of San Diego/CHERYL GODDARD stating that the County will resume the processing of Otay Ranch Company's proposed Wolf Canyon IOD Vacation/Replacement application. HUNTER stated that the issue of future infrastructure had not yet been resolved.

CHAIRMAN COX stated that future infrastructure would be on the next Preserve Management Team (PMT) agenda and will be discussed at that time. The PMT will provide a recommendation to the Policy Committee.

**4. Status Report**

**(IV.A.1.a)** County of San Diego/LEANN CARMICHAEL reported on the Board Policy I-109 Otay Ranch Implementation Document Amendment (*initiated by the County of San Diego*) - Adoption of Phase 2 RMP and Preserve Boundary Modifications - CARMICHAEL stated the County Planning Department will bring a recommendation to amend the Resource Management Plan Phase 2 to the Planning Commission in August. The goal of this amendment will be for the Board of Supervisors to adopt Phase 2 RMP in its entirety and to modify the Preserve Boundary in order to be consistent with the preserve boundaries approved by the City. After the Planning Commission in August, the modification will move on to the County Board of Supervisors.

**(IV.A.2)** City of Chula Vista/GLEN LAUBE reported on the Championship Off-Road Racing (CORR) Conditional Use Permit (CUP) application. The CUP will be for the 2008 and 2009 CORR events. It is located within Rimrock Quarry on Main Street and Heritage Road. The project proposes three non-consecutive race weekends for 2008. They will be held July 25-27, September 12-14, and December 5-7. There will also be three non-consecutive race weekends in 2009 between June and November. Additionally, six one-day practice sessions are proposed. Those dates have not been announced.

LAUBE stated that the Otay Valley Regional Park (OVRP) Citizens Advisory Committee (CAC) recommended approval of the project. The mitigated negative declaration is currently out for review, from April 25<sup>th</sup> through May 25<sup>th</sup>.

CHAIRMAN COX asked when the item was anticipated to be heard by the City Council.

LAUBE stated July of this year.

HUNTER stated it is to be heard by the City Council on July 8<sup>th</sup>.

CHAIRMAN COX asked when the first race is to be held.

LAUBE stated July 25<sup>th</sup>.

**(IV.A.3a)** CARMICHAEL reported on the Wolf Canyon Vacation/Substitution. This project involves the proposed vacation of portions of the Irrevocable Offers of Dedication (IODs) for Villages 2, 3, 4 (por) approved by the City of Chula Vista in May 2006. These IODs were acknowledged before the availability of detailed engineering for Village 2. It was always anticipated that these IODs may require some modification once the detailed information was available with the processing of Village 2. This information is now available and the IODs are proposed for vacation and replacement. The County Planning Department is moving forward and this project is anticipated to be heard by the County Board of Supervisors this fall.

**(IV.A.3b)** CITY OF CHULA VISTA/JOSIE MCNEELEY reported on the OVRP Trails Coordination occurring in eastern OVRP. MCNEELEY stated that JPB Development (JPB) approached the OVRP Joint Staff regarding trail planning from Heritage Road to lower Otay Lakes in September 2007. JPB has submitted a binder containing regulation documents for this area and an issues matrix. OVRP Joint Staff has provided comments on the proposed submittal. The comment letter also included comments from City MSCP staff and POM staff. JPB is currently reviewing the comments and anticipates submitting new plans by mid-May.

MCNEELEY stated that a field trip with OVRP Joint Staff, OVRP CAC Trails Subcommittee members, City MSCP staff, and POM staff was held on April 28<sup>th</sup>.

CHAIRMAN COX stated that he was on the Stage 1 OVRP trails a few days ago. He was pleased with the trails and the cooperation and teamwork amongst the jurisdictions involved.

**(IV.B.1)** County of San Diego/CHERYL GODDARD presented the preserve status and stated that Preserve Status maps and matrixes have been provided as handouts. The matrix provides details on each property within the Preserve that has had POM action. Details on each of the property include, who conveyed the land, the recorded document number, when the document was recorded, a visual to the location of the property, the acreage, the purpose of the conveyance, and any additional relevant notes on the property.

GODDARD stated that within the Otay Ranch project boundary, there are approximately 3,200 acres dedicated to open space. This has been achieved through conveyance of land to the POM, acquisitions by the City, the County, and 3rd Parties, and the purchase of mitigation lands by Caltrans. As listed in Row 1 of the matrix, McMillin has conveyed 517 acres to the POM for development of Villages 1 and 6 through an IOD that was accepted by the City and the County in 1999. Rows 1 through 8 of the matrix provide details on all lands that have been conveyed, acquired, or purchased as mitigation lands.

CHAIRMAN COX asked which lands are being managed by the POM.

GODDARD answered that the POM is currently managing the 517 acre McMillin property, Row 1 in the matrix, and lands transferred to the City in the Salt Creek area, Rows 3 and 4 in the matrix. These lands are shown in the Preserve Status maps as being green with white diagonal lines.

CHAIRMAN COX asked if POM staff can bring an Otay Ranch ownership map to the next meeting. This map will allow us to see which lands outside of the Otay Ranch boundaries are being managed for open space purposes.

GODDARD replied that staff will be able to provide such a map at the next Policy Committee meeting.

GODDARD stated there are approximately 796 acres that is anticipated to be conveyed to the POM by the end of the calendar year. Row 9 in the matrix provides details on the 40 acres offered by Brookfield Shea. The County has accepted this IOD. The City has requested additional information regarding the Title Report but anticipates acceptance of this IOD.

CHAIRMAN COX asked when we anticipate this land being conveyed to the POM.

GODDARD stated POM staff anticipates that this land will be conveyed within the next month or two. GODDARD asked that City staff verify.

MCNEELEY verified that the land is anticipated to be conveyed within one to two months.

GODDARD stated Rows 10 and 11 of the matrix provide details on the 525 acres offered by Otay Ranch Company. POM Staff has completed a site visit with the Applicant. Otay Ranch Company provided updated Title Reports and Phase 1 documents on March 7<sup>th</sup>. They are in the process of placing property and line of sight markers on the property as well as providing evidence of legal and physical access to the properties.

CHAIRMAN COX asked when POM staff anticipates this land being conveyed to the POM.

GODDARD stated POM staff anticipates conveyance of these lands by the end of the calendar year. GODDARD asked HUNTER to verify.

HUNTER stated she would bring the matrix back to the office for confirmation.

GODDARD stated ROWS 13 and 14 of the matrix provide details on the 230 acres offered by McMillin Companies. McMillin has provided updates on their progress in obtaining the documents requested by POM Staff. They have a Phase 1 report, they are working on the Title Report, if they haven't already, they are planning to put up the property and line of sight markers up by next week. POM staff is working with McMillin to obtain legal access from the neighboring property owners. POM staff anticipates acceptance of this land by the end of the calendar year. GODDARD offered to add a column to the matrix identifying when POM staff anticipates accepting pending IODs.

GODDARD stated that there are 740 acres of pending conveyances with outstanding issues. Rows 15 through 17 of the matrix provide details on the 73 acres offered by the Otay Ranch Company. Outstanding issues include the processing of the IOD vacation/replacement, future infrastructure, and a small area within Wolf Canyon requires Maritime Succulent Scrub restoration and achievement of 5-year success criteria to be approved by the Wildlife Agencies. The restoration efforts are currently in year 1. As discussed by HUNTER and CARMICHAEL earlier, the County will resume processing the County's IOD Vacation/Substitution application and anticipates taking the item to the County Board of Supervisors in Fall 2008. The City will also need to process a similar vacation/replacement application.

COX asked when POM staff anticipates these lands being conveyed to the POM.

GODDARD replied that the County anticipates taking the item before the County Board of Supervisors in Fall 2008.

BOUSHRA SALEM stated that the City plans to take the item to the City Council within the same time frame but anticipates that there will be modification to the IOD language.

GODDARD stated that Row 18 in the matrix provides details on the 559 acres offered by Otay Ranch Company. The County will need to approve the final development/Preserve footprint before the POM can accept these lands.

CHAIRMAN COX asked for clarification on the matrix. The matrix lists the IODs in this area as totaling 824.8 acres not 559 acres.

GODDARD responded that Row 18 does list the total acreage as 824.8 acres. This includes 266 acres discussed earlier under the Pending Fee Title Transfers/IOD Acceptance lands. The 266 acres is 4(d) mitigation for the construction of Olympic Parkway. Otay Ranch Company must convey the 266 acres in fee title to the POM.

The 266 acres can also be used as conveyance obligation for village development impacts.

CHAIRMAN COX asked if there is any double-dipping in the calculations shown in the matrix.

GODDARD stated no. The acreages are not being double counted in the matrix.

GODDARD stated that Rows 19 and 20 of the matrix provides details on the 109 acres offered by Brookfield Shea. Outstanding issues includes wildlife restoration requirements on the property and future infrastructure.

CHAIRMAN COX asked when POM staff anticipates accepting these lands.

GODDARD deferred to City staff.

MCNEELEY stated that the mitigation requirement is at the end of it's third year in success criteria. Acceptance of the land is anticipated within the next two years.

GODDARD stated that there are currently two IODs proposed for Vacation/replacement due to development footprint changes. The first is Wolf Canyon which was discussed earlier by CARMICHAEL and SALEM. An open space easement vacation is proposed on the eastern end of Village 13. The replacement land is currently proposed in a different configuration within Village 13 boundaries and is being processed as a part of the Village 13 application.

GODDARD summarized the presented information, approximately 5,044 acres or 44% have been committed to the Preserve. This includes the lands that have been conveyed, acquired, or purchased and pending IODs - green, turquoise, and yellow lands in the Preserve Status map and matrix. 3,250 acres have actually been dedicated to the open space - green land). Of this, approximately 1,300 acres is currently being managed by the POM – green lands with white diagonal lines. This means there is approximately 6,331 acres or 56% available for conveyance. This is in-step with development, which to date has all occurred within the City's boundaries. Approximately 4,000 acres have been developed or purchased by 3rd parties and approximately 5,600 acres is left for development. As shown, this follows roughly the same percentages of Preserve buildout – 42% developed/purchased for open space and 58% left for development.

## **5. Non-Otay Ranch Project Mitigation Land Program**

(V.) County of San Diego/MAEVE HANLEY stated that written comments on the Program were received from the Wildlife Agencies, McMillin Companies, City of Chula Vista, South Bay Expressway, and the Otay Land Company. The main points of the comments included that POM staff should take fee title of the land, and not hold a contractual relationship with the land owner. The POM should manage the land at standards higher than the RMP if the applicant offers the appropriate funding amount. The POM should consider managing SR125 mitigation lands even though



they are not within the Preserve boundary since SR125 was so important to the development of Otay Ranch.

HANLEY stated that the PMT directed POM staff to receive written comments until April 21<sup>st</sup>, post the comments on the POM website, and make a recommendation to the PMT at their next meeting scheduled for May 28<sup>th</sup>. HANLEY stated that the comments were emailed to the Otay Ranch interested parties' distribution list and posted on the POM website, with the exception of the Otay Land Company comments. The County recently updated the County webpage templates and has hit a few technical difficulties in posting items.

City of Chula Vista/SCOTT TULLOCH stated that Greg Hulsizer of South Bay Expressway contacted his office as well as Deputy Mayor RINDONE'S and Chairman COX's office.

## **6. Long-Term Implementation Program**

**(VI.)** HANLEY stated that the Long-Term Implementation Program public review period ended on February 20<sup>th</sup>. Comments were received from the Bureau of Land Management, San Diego County Archaeological Society, McMillin Companies, the Otay Ranch Company, and the Wildlife Agencies. POM staff is currently working on response to comments. As the next step, the County Board of Supervisors will need to adopt Phase 2 RMP in its entirety, as discussed by CARMICHAEL earlier in the presentation.

HANLEY stated, as requested at the last PMT meeting, POM staff held a Working Group meeting on April 18<sup>th</sup> to discuss POM management responsibilities. The meeting was well-attended by the USFWS, Refuge, CDFG, BLM, Otay Ranch Company, McMillin Companies, Otay Land Company, Friends of OVRP, and the Environmental Land Solutions. A follow-up meeting to discuss prioritization of tasks and POM budget is scheduled for May 13<sup>th</sup>.

CHAIRMAN COX asked if POM staff believes there were any groups missing in attendance.

HANLEY stated no. The meeting was well attended and well represented. It was good to have all the Wildlife Agencies present.

CHAIRMAN COX who attended from the Environmental Land Solutions.

MAEVE replied Jim Carter.

City of Chula Vista/MARISA LUNDSTEDT stated that she would like to hold more Working Group meetings. It allows the Wildlife Agencies and the interested parties an opportunity to be more involved in how the POM prioritizes tasks and how the POM spends the money to get the tasks completed.

DEPUTY MAYOR RINDONE asked if there was anyone not in attendance that should have been.

LUNDSTEDT stated no.

**7. Finance/CFD 97-2 Overview**

**(VII.)** LUNDSTEDT stated that at the last Policy Committee meeting there was lively discussion regarding finance. City staff provided County staff with a CFD 97-2 overview. City staff will provide a summary of that overview today.

City of Chula Vista/TESSA QUICHO stated that CFD 97-2 was created in 1988 through the adoption of resolutions and the Special Tax Report. CFD 97-2 includes an area of benefit (tax base) that encompasses the Otay Ranch development area. This currently includes Villages 1, 2, 5, 6, 7, 11 and 12. Improvement Areas have been established within the area of benefit.

QUICHO stated Improvement Area A collects funds for resource monitoring, Preserve operations and maintenance. Improvement Area B collects funds just for resource monitoring. Improvement Area C is similar to Improvement Area A which collects funds for resource monitoring, Preserve operations and maintenance. Improvement Area C was created after the City adopted its MSCP Subarea Plan.

QUICHO stated that the Special Tax Report lists the purpose and allowed uses of the CFD funds. In summary, the funds can be used for maintain areas which have been conveyed to the Preserve in accordance with the RMP, general stewardship, and implementation of the RMP monitoring program. A special tax is levied annually on each taxable property with the CFD dependent upon the Improvement Area classification of each parcel. The Maximum tax rate is the highest allowable tax rate which can be applied to each parcel. The maximum tax rate is based on the Original Rate and Method of Apportionment (RMA) adopted in 1998. Village 2 was the last annexation into CFD 97-2.

CHAIRMAN COX asked what the escalator is based on.

QUICHO stated that the maximum tax rate is different for each RMA but it is the lesser of the Consumer Price Index (CPI) or the Governor's Index.

CHAIRMAN COX asked for clarification of the different assessments.

QUICHO stated that each Improvement Area and each type of development category is taxed differently. For example, if the total POM operating budget is \$300,000, then each Improvement Area will be levied a tax in order to collect the needed amount. As shown on the slide, for Improvement Area A, Category I (Residential and Non-residential) will be taxed at a higher rate than Category II –



Final Map and Category III – Vacant. The tax will always be levied on developed parcels first.

DEPUTY MAYOR RINDONE asked if the Reserve fund has ever fallen below 50%.

QUICHO stated no. Currently, the Reserve fund is healthy – totaling approximately \$284,000. This is at 95% of the total operating budget.

CHAIRMAN COX asked for clarification on expenditures to date.

QUICHO stated that the expenditures to date total \$104,584. This includes all charges through March 2008. The City recently received the County's third quarter invoice totaling approximately \$28,000. An additional \$110,000 is intended for biological surveys.

CHAIRMAN COX asked if the FY07-08 budget is expected to be expended before the end of the fiscal year.

LUNDSTEDT stated that it will depend on if the surveys are completed this fiscal year. LUNDSTEDT deferred to the County regarding the contract for the biological surveys.

County of San Diego/RENÉE BAHL stated the survey reports will not be completed this fiscal year. Therefore, as understood, the entire budget will not be expended this fiscal year.

QUICHO stated that City staff has provided answers to questions that were raised at the last Policy Committee meeting. The maximum tax rate varies for each Improvement Area based on the tax category. The CFD is modeled after the City's Open Space District's policy of collecting a reserve minimum of 50% or maximum of 100% of projected budget. There are currently 9,536 taxable parcels.

8. **(VIII)** CHAIRMAN COX asked if there were any questions. Hearing no questions, CHAIRMAN COX stated that the next Policy Committee is scheduled for Thursday, July 17<sup>th</sup> from 2-5pm in the City of Chula Vista.

DEPUTY MAYOR RINDONE requested that the Lippitt room be setup so that he can see all the speakers.

CHAIRMAN COX stated that he and Michael De La Rosa from his staff had an opportunity to meet with River Partners. River Partners is a non-profit organization that is trying to identify restoration projects within the Otay Valley Regional Park (OVRP). CHAIRMAN COX was able to speak about the good relations between the County and the Cities of Chula Vista and San Diego.

CHAIRMAN COX has also spoken to Corey Brown of the Resource Law Center Group. OVRP is only one of four areas in California that the Packard Foundation is looking into for providing grant monies.

BAHL stated that the City, through OVRP Joint Staff, is working with the Resource Law Group to identify funding to build out OVRP. If we can work with the River Partners, we will also identify restoration projects.

CHAIRMAN COX asked if any potential projects will cover POM lands.

BAHL stated that the Resource Law Group expressed interest in lands west of the I-805.

CHAIRMAN COX stated that since the CFD is meant to only cover costs for the maintenance and operations of the Preserve, we will need to look for other funding opportunities for restoration and enhancement efforts.

LUNDSTEDT stated that she is a member of the Transnet EMP Committee. The EMP will release a call to identify restoration projects. This could include POM lands.

CHAIRMAN COX asked if anyone had any comments on the purchasing of Otay Ranch Preserve lands for non-Otay Ranch project mitigation purposes.

BAHL stated that there is no issue with non-Otay Ranch projects purchasing Preserve lands for mitigation. The issue is whether or not the POM should manage these lands.

CHAIRMAN COX stated that funding is likely the main issue.

DEPUTY MAYOR RINDONE stated that we need to find a funding mechanism before POM accepts management responsibilities of these lands.

BAHL stated yes, funding is one of the criteria that must be met in order for the POM to consider management of the land. The PMT has directed POM staff to bring a recommendation back to them. The PMT will then make a recommendation to the Policy Committee.

TULLOCH stated that funding is only one criterion. There are other criteria that the POM must consider.

DEPUTY MAYOR RINDONE stated that he is looking forward to discussing the recommendation.

## **9. Adjournment**

**(IX.)** CHAIRMAN COX adjourned the meeting at 3:10 pm.

# ATTACHMENT A

## MEETING SIGN-IN SHEET

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<b>Project:</b> Otay Ranch Preserve Owner/Manager (POM) Policy Committee Meeting	<b>Meeting Date/Time:</b> April 30, 2008, 2:00 – 5:00 pm
<b>Place/Room:</b> County Administration Center, Tower 7 1600 Pacific Highway, San Diego, CA 92101	

Name	Organization	Phone	E-Mail
Cheryl Goddard	GSD - DPR	858 966-1374	cheryl.goddard@sdcounty.ca.gov
MAEVE HANLEY	GSD / DPR	(858) 966-1371	maeve.hanley@sdcounty.ca.gov
Tessa Quicho	city of CV	(619) 691-5258	tquicho@ci.chula-vista.ca.us
Larry Duke	DPR	858-966-1363	Larry.Duke@sdcounty.ca.gov
RENEE BAH	GSD / DPR	858 966-1300	
Jim Carter	ENV LAND SOL	760-942-2397	JimCarter@Roadrunner.com
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Amy Portosan	C.CV		
Bowshma Salem	CCV		
Kathleen Brinkbaker	USFWS	(760) 431 9440	Kathleen-Brinkbaker@fws.gov
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